



6/30/04

Docket No. 2119-4260 (BB-1373 PCT)

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Rebecca E. Cahoon, et al.

Group Art Unit: 1638

Serial No.: 10/018,902

Examiner: Phuong T. Bui

Filed: December 17, 2001

For: POLYNUCLEOTIDES ENCODING AMINOLEVULUNUC ACID  
BIOSYNTHETIC GENES

**AMENDMENT AND RESPONSE TO OFFICE NON-FINAL OFFICE ACTION**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is an Amendment and Response to the Non-Final Office Action mailed December 31, 2003. Applicants respectfully request reconsideration in view of the following amendments and remarks. Also filed concomitantly herewith are a Petition for an Extension of Time pursuant to 37 C.F.R. §1.136(a), (three months), and the extension of time fee as required under 37 C.F.R. §1.17(a)(3).

**Amendments to the Claims** are reflected in the listing of the claims which begins on page 2 of this paper.

**Remarks** begin on page 3 of this paper.

**Appendix A** is attached herewith.



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27123

↑CUSTOMER NUMBER↑

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For: POLYNUCLEOTIDES ENCODING AMINOLEVULONIC ACID BIOSYNTHETIC GENES

**AMENDMENT FEE TRANSMITTAL**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an Amendment for the above-identified application.

☒ No additional fee is required.

☐ The additional fee has been calculated as shown below:

**CLAIMS AS AMENDED**

	Claims Remaining After Amendment	Highest No. Covered by Previous Payments	Extra	Rate	Additional Fee
Total Claims*	24- 20 =	24	0	\$18.00/ \$9.00	\$ 0
Independent Claims	5- 3 =	5	0	\$86.00/ \$43.00	\$ 0
Multiple Dependent Claims	(If claims added by amendment include Multiple Dependent Claim(s) and there was no Multiple Dependent Claim(s) in application before amendment add \$290.00 to additional fee (\$145.00 for small entity).				\$ 0
TOTAL					\$ 0

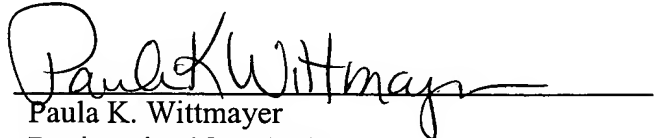
\*Includes all independent and single dependent claims and all claims referred to in multiple dependent claims. See 37 C.F.R. §1.75(c).

- ☐ Small entity status is or has been claimed.  
Reduced Fees Under 37 C.F.R. §1.9(f) paid herewith \$\_\_\_\_\_
- ☐ \_\_\_\_\_ Pages Sequence Listing
- ☐ \_\_\_\_\_ Computer disk(s) containing substitute Sequence Listing
- ☐ Statement under 37 C.F.R. §1.825(b) that the computer and paper copies of the substitute Sequence Listing are the same.
- ☐ A check in the amount of \$\_\_\_\_\_ to cover the filing fee is attached.
- ☐ Charge fee to Deposit Account No. 13-4500, Order No. \_\_\_\_\_. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required for filing this amendment, including all fees pursuant to 37 CFR §1.17 for its timely consideration, or credit any overpayment to Deposit Account No. 13-4500, Order No. 2119-4260. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: June 29, 2004

By:

  
Paula K. Wittmayer  
Registration No. 53,785

Correspondence Address:

**Address through July 30, 2004**

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345 Park Avenue  
New York, New York 10154  
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Fax: 212-751-6849

**Address after August 2, 2004**

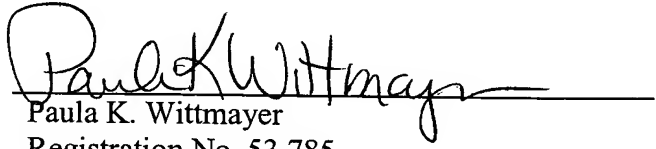
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Direct: 212-415-8601  
Tel: 212-415-8700  
Fax: 212-415-8701

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